

**REMARKS**

At the outset, appreciation is expressed to Examiner Pezzlo for his time and attention during the interview that was conducted at the U.S. Patent and Trademark Office on May 12, 2003. The remarks below discuss the substance of the interview.

Before turning to the discussion of the substance of the interview, the Examiner's attention is directed to the Information Disclosure Statement filed on September 27, 2001. An initialed and signed copy of form PTO-1449 accompanying that Information Disclosure Statement has not yet been returned. The Examiner is thus respectfully requested to provide an initialed and signed copy of form PTO-1449 submitted with that Information Disclosure Statement.

The Examiner's attention is also directed to the Information Disclosure Statement filed on April 29, 2003. The Examiner is respectfully requested to consider and make of record the documents cited in this recently filed Information Disclosure Statement and to provide an initialed and signed copy of form PTO-1449 accompanying the Information Disclosure Statement.

As discussed during the interview, the only two independent claims currently pending in this application are Claims 1 and 9. Both independent Claims 1 and 9 define that the vehicle hydraulic brake system comprises, in addition to the other claimed features, an auxiliary hydraulic pressure source and a hydraulic pressure generating device. As claimed, the auxiliary hydraulic pressure source is comprised of an accumulator and a

hydraulic pump, while the hydraulic pressure generating device is comprised of a master cylinder and a hydraulic booster which assists operation of the master cylinder.

The most recent Official Action sets forth an anticipatory rejection of independent Claims 1 and 9, as well as various dependent claims, on the basis of the disclosure contained in U.S. Patent No. 6,318,817 to *Martin et al.* In setting forth this rejection, the Official Action interprets the pressure reservoir 111 disclosed in *Martin et al.* as corresponding to the claimed hydraulic booster. However, as was explained during the interview, if the pressure reservoir 111 disclosed in *Martin et al.* is interpreted as corresponding to the claimed hydraulic booster, the braking system disclosed in *Martin et al.* lacks an accumulator corresponding to the claimed accumulator recited in Claims 1 and 9. Alternatively, if the pressure reservoir 111 disclosed in *Martin et al.* is interpreted as corresponding to the claimed accumulator, the braking system disclosed in *Martin et al.* lacks a hydraulic booster corresponding to the claimed hydraulic booster recited in Claims 1 and 9.

For at least the reasons discussed above, and as recognized by Examiner Pezzlo at the conclusion of the interview, independent Claims 1 and 9 cannot be anticipated by the disclosure contained in *Martin et al.*

As was also briefly mentioned during the interview, it would not have been obvious to modify the braking system described in *Martin et al.* to include a hydraulic booster. The electro-hydraulic braking system disclosed in *Martin et al.* is a brake-by-wire type of braking system. In this type of braking system, the master cylinder normally functions as a

pressure and stroke sensor which detects the driver's braking demand, but does not function as a pressure generator to generate a braking force, though the master cylinder may generate pressure in an emergency situation. With a brake-by-wire type of braking system such as described in *Martin et al.*, pressure for generating the pressure force is generated by the hydraulic pump and hydraulic pressure reservoir arrangement 110, 111. Thus, the master cylinder used in a brake-by-wire system such as disclosed in *Martin et al.* does not require a hydraulic booster forming part of a hydraulic pressure generating device. There thus exists no reason for providing the brake-by-wire type of braking system disclosed in *Martin et al.* with a hydraulic booster as recited in the independent claims at issue here.

It is believed that this application is in condition for allowance and such action is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in

resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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